

JOHN L. SIMILY, JR.,)
)
Plaintiff,)
)
vs.) Case No. 4:03CV1164 JCH
)
JOANNE B. BARNHART,)
Commissioner of Social Security,)
)
Defendant.)

This matter is before the Court on the motion of Defendant, the Commissioner of Social Security, to reverse her decision of May 23, 1997, denying Plaintiff's application for disability benefits under the Social Security Act, and to remand the case to the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g) for further consideration of Plaintiff's claim. Defendant asserts that upon the Court's remand, the case would be remanded to the Administrative Law Judge to further evaluate Plaintiff's credibility; properly assess Plaintiff's maximum residual functional capacity; and, if appropriate, obtain vocational expert testimony.

Sentence Four of 42 U.S.C. § 405(g) provides: “The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying,

or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Court concludes that Defendant has made a sufficient showing to support the motion to reverse and remand this case for further action. The Court recognizes Plaintiff’s understandable desire to avoid further delay in having his case resolved. A remand now, however, may indeed be the most expeditious manner to accomplish this.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to reverse and remand the case pursuant to Sentence Four of 42 U.S.C. § 405(g) is **GRANTED**. [Doc. #46]

IT IS FURTHER ORDERED that Defendant shall proceed expeditiously on this matter.

An appropriate Judgment shall accompany this Memorandum and Order.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE

Dated this 5th day of December, 2005.